

Notice of Violation

Bureau of Fire Prevention

Dayton Fire Department

300 N. Main St. Dayton, OH, 45402 (937) 333-4500

To:

Superior Cleaning Solutions
1224 N Keowee St
Dayton, OH, 45404

Cindy Harley
455 Timberwind Ln
Vandalia, OH, 45377

2011-03

Order Number

John Harley
455 Timberwind Ln.
Vandalia, OH, 45377

An Inspection of the following described property: **Chemical Management also used as Superior Cleaning Solutions**

And located at: **1224 N Keowee St, Dayton, OH, 45404**

And used as: **a chemical distribution/processing facility**

Was made by this Department on the 28th day of June, A. D. 2011.

I find the following conditions to exist:

See Attachment-1

Therefore by reason of the conditions found on the premises and pursuant to the authority vested in me by virtue of my office under Chapters 46 and 92 of the Revised Code of General Ordinances of the City of Dayton, you are hereby ordered to:

See Attachment-2

Failure to comply with the foregoing and to execute within 30 days will render you liable to the appropriate penalties of the Revised Code of General Ordinances.

A copy of the ordinances under which this order is made and copy of the ordinances specifying penalties have been included as Attachment-3.

Witness my signature at Dayton, Ohio, this 8th day of July A. D. 2011.

R. Carson Co. Keyes

Certified Fire Safety Inspector
Dayton Fire Department

7-8-11

Michael J. O'Connell

Assistant Chief
Dayton Fire Department

On the 11 day of July, A. D. 2011, I served the above order upon:

Chemical Management/Superior Cleaning Solutions by certified mail

John and Cindy Harley's last know address by certified mail

By posting upon the building located at 1224 N. Keowee St

1. Inside storage of flammable chemicals found in violation of the Dayton Fire Code Section F-3201.4 as adopted by the Revised Code of General Ordinances of the City of Dayton Section 92.01. The storage exceeds the exempt amounts allowed inside a structure.

 2. Inside storage of corrosive materials found in violation of the Dayton Fire Code Section F-2801.3 as adopted by the Revised Code of General Ordinances of the City of Dayton Section 92.01. The storage exceeds the exempt amounts allowed inside a structure.
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1. Remove all hazardous materials from the property via submittal of a facility closure plan to the City of Dayton Fire Department in accordance with the Dayton Fire Code Section F-2301.3 as adopted by the Revised Code of General Ordinances of the City of Dayton. The facility closure plan shall demonstrate that hazardous materials stored, dispensed, handled or used in the facility have been transported, disposed or re-used in a manner eliminating the need for further maintenance and any threat to public health and safety.
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**REVISED CODE OF GENERAL
ORDINANCES (R.C.G.O.)**
92.14 NOTICE OF VIOLATION

Whenever the fire official observes an apparent or actual violation of a provision of the R.C.G.O. or other code or ordinance under this jurisdiction, he shall have the authority to prepare a written notice of violation describing the condition deemed unsafe and specifying the time limits for the required repairs or improvements to render the building, structure or premises safe and secure. Such notice and order shall:

- (A) Be put in writing on an appropriate form;
- (B) Include a list of violations, refer to Section or sections of this chapter violated and order action which, if taken, will effect compliance with the provisions of this chapter;
- (C) Specify a reasonable time for performance;
- (D) Be served on the owner, occupant or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant or agent if a copy thereof is sent by registered mail to the last known mailing address, residence or place of business and a copy is posted in a conspicuous place in or on the business affected. If a registered or certified mail envelope is returned with an endorsement showing that service was refused, the notice may be served by ordinary mail to his last known mailing address, residence or place of business. The mailing shall be evidenced by a certificate of mailing and service shall be deemed complete on the date of mailing. If the registered or certified mail envelope is returned with an endorsement showing that service was unclaimed, the notice may be served by ordinary mail to the last known address, residence or place of business. The mailing shall be evidenced by a certificate of mailing, and service shall be deemed complete on the date of mailing, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery. The notice and order may, in the alternative, be served by leaving it at his last known residence or place of business in the presence of a family member or other responsible person of suitable age and discretion who shall be informed of the general nature of the contents thereof. (Ord. 28561, passed 7-1-92).

92.14 POSTING OF ORDERS:

Each order issued by the Fire Department or a copy or copies thereof, shall be prominently posted by the fire official at or near the main entrance or lobby to the premises where the violation or violations are located. (Ord. 28561, passed 7-1-92).

92.14 UNLAWFUL REMOVAL:

The owner, his duly authorized agent, the occupant or other person responsible for the conditions under violation shall be responsible for maintaining the order in its posted location until the order has been removed by the fire official. (Ord. 28561, passed 7-1-92)

92.14 COMPLIANCE WITH ORDERS:

- (A) No person shall fail or refuse to comply with any lawful order or direction of the fire official or to interfere with the compliance attempts of other individual.
- (B) Whoever violates this section is guilty of a misdemeanor of the first degree. (Ord. 28561, passed 7-1-92) Penalty, see 92.999

APPEAL
92.14 RIGHT OF APPEAL

(A) Any person aggrieved by a decision or interpretation by the fire official made under the provision of Chapters 46 and 92 of the R.C.G.O. may appeal the decision to the Director and Chief of the Department of Fire.

(B) A written notice of appeal must be filed with the director and Chief of the Department of Fire within 15 days of the date of the notice or order of the fire official. The appeal shall be based on one or both of the following grounds:

- (1) That the interpretation, filling or order is erroneous or constitutes an erroneous application of the particular provisions of the Dayton Fire Prevention Code or related laws and ordinances involved, or is otherwise contrary to law.

92.14 RIGHT OF APPEAL (con't)

- (2) That a modified application or alternative arrangement is available and feasible whereby the strict application of a particular provision or provisions may be modified with the alternatives consistent with the public safety, health and general welfare, purpose and intention of the provisions of the fire code.
- (C) The hearing shall be conducted by the Director and Chief of the Department of Fire, or his designee.
- (D) The notice of appeal shall be accompanied by a fee in the amount of \$25.00.
- (E) There shall be no right of appeal from the issuance of a minor misdemeanor citation tag pursuant to R.C.G.O. 92.13. (Ord. 25925, passed 2-6-80; Am. Ord. 28423, passed 10-30-91)

(B) Each day that a violation continues after a service of a citation tag or notice, as provided in Chapter 92 of the R.C.G.O., shall be deemed a separate offense.

- (C) In addition, in case of fire resulting directly or indirectly from any omission or neglect to properly comply with the lawful written order of the Director of Fire as provided in 92.01 through 92.26 (unless the order has been appealed from and until the appeal has been disposed of), the person or persons named in the order shall be liable in a civil action for the payment of all costs and expenses of the Department of Fire incurred in and about the use of employees, apparatus and materials in the extinguishment of any fire resulting from each cause, the amount of such costs and expenses to be fixed by the City Manager, and when collected to be paid into the general fund (Am. Ord. 28561, passed 7-1-92)

92.121 PENALTY (FIRE ALARM)

A violation of the provisions of Sections 92.111 to 92.120, inclusive, shall constitute a minor misdemeanor, punishable as provided in Section 130.99, of the Revised Code of General Ordinances, and each day such violation is continued shall constitute a separate offense. If the offender has previously been convicted of a violation of any of the above sections, then a subsequent violation shall constitute a fourth degree misdemeanor, punishable as provided in Section 130.99 and each day such subsequent violation is continued shall constitute a separate offense. (Ord. 27023, passed 6-27-84; Am. Ord. 28561, passed 7-1-92; Am. Ord. 28561, passed 7-1-92)

92.999 PENALTY (FIRE CODE REQUIREMENTS)

(A) Any person who violates any of the provisions of this chapter for which a penalty is not otherwise specifically provided shall be guilty of a minor misdemeanor for a first offense and for each subsequent offense of the same section of this chapter, such person shall be guilty of a misdemeanor of the first degree.